

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	: Paul J. BRADY et al.	T. C. Art Unit: 2161
Appln. No.	: 10/628,211	Examiner: B. Stace
Filed	: July 29, 2003	Confirmation No.: 5476
For	: GATEWAY FOR EFFICIENTLY IDENTIFYING AN END USER'S LOCAL SERVICE PROVIDER	

REPLY BRIEF UNDER 37 C.F.R. §41.41

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Appeal Brief - Patents
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In response to the Examiner's Answer, dated August 27, 2008, to the Appeal Brief filed on June 13, 2008, for which a two-month period for filing a Reply Brief under 37 C.F.R. §41.41 is set to expire on October 27, 2008, Appellants submit the present Reply Brief.

Appellants maintain that each reason set forth in the Appeal Brief filed June 13, 2008 for the patentability of the pending claims is correct and again request that the decision to reject claims 1-3, 9, 18, 21-24, 28-39, 42 and 43 be reversed.

STATUS OF CLAIMS

Claims 1-3, 9, 18, 21-24, 28-39, 42 and 43, all of the claims pending in this application, stand finally rejected and are the subject of this appeal. Claims 4-8, 10-17, 19, 20, 25-27, 40 and 41 have been previously cancelled. Appellants appeal the final rejection of claims 1-3, 9, 18, 21-24, 28-39, 42 and 43.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

In the Final Office Action, claims 1, 9, 28-35, 36 and 42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over AKINPELU et al. (U.S. Patent No. 5,661,792) in view of BOUGHMAN et al. (U.S. Patent No. 6,570,973). Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over AKINPELU et al. in view of BOUGHMAN et al., and further in view of COCHRANE et al. (U.S. Patent No. 6,496,828). Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over AKINPELU et al. in view of BOUGHMAN et al., and further in view of KUNG (U.S. Patent No. 5,987,452). Claims 18, 21, 22, 24, 37-39 and 43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over AKINPELU et al. in view of COCHRANE et al., and further in view of KUNG. Claim 23 was rejected under 35 U.S.C. § 103(a) as being unpatentable over AKINPELU et al. in view of COCHRANE et al. in view of KUNG, further in view of ZEBRYK (U.S. Patent No. 4,975,942).

REMARKS

The "Grounds of Rejection" at pages 3-17 of the Examiner's Answer appears to be similar to the "Claim Rejections" in the Final Official Action. Applicants note that the Appeal Brief has fully addressed these rejections and the requirements for patentability under 35 U.S.C. §103. Accordingly, these remarks address particularly the "Response to Arguments" at pages 17-30 of the Examiner's Answer. In order to facilitate review of this Reply Brief, the present remarks are limited to a discussion of exemplary independent claim 1 of the present application.

Claim 1 recites, *inter alia*, receiving a request in a first format from a sender for an identity of the caller's local service provider, the call having been suspended at a switch of an interexchange carrier. On page 18 of the Examiner's Answer, the Examiner asserts that AKINPELU teaches that a local service provider of a caller is identified by an interexchange carrier in response to a telephone call from the caller to a called party. In this regard, AKINPELU discloses querying a national database to identify a terminating carrier and a switch for a called number and further discloses preparing a call detail record. That is, a national database is queried using a called party's telephone number, and not for a caller's telephone number, as specified in claim 1. The cited portion of AKINPELU does not teach at least receiving a request in a first format from a sender for an identity of the caller's local service provider, as recited in claim 1. Rather, AKINPELU discloses at column 4, lines 47-49 that an interexchange carrier translates an incoming trunk identification signal to identify an originating carrier. AKINPELU further discloses at column 4, lines 50-51 that alternatively, signaling information from an originating carrier can identify the particular carrier. Accordingly, AKINPELU does not teach or suggest at least receiving a request in a first format from a sender for an identity of the caller's local service provider, the call having been suspended at a switch of

an interexchange carrier, as recited in claim 1.

With regard to the Examiner's assertion that, according to the teachings of AKINPELU, there is no reason why the true identity of a calling party's local service provider would not be correctly identified, the Examiner sets forth an example of why the true identity of the local service provider would not be identified correctly. That is, the Examiner acknowledges that AKINPELU teaches that a customer's new local service provider is responsible for updating a database for a case in which a customer changes service provider. The Examiner further acknowledges that AKINPELU teaches that an original local carrier may be required to forward calls for a short period (a few days) until the database has been updated. In so doing, the Examiner acknowledges the situation in which the true identity of a caller's service provider would not be correctly determined.

Claim 1 recites, *inter alia*, sending a request in a second format to a local number portability database based on a telephone number of a caller, to determine which of a plurality of databases to query, the second format being distinct from the first format. The Examiner asserts on page 19 that AKINPELU, at Figure 2 and column 3, lines 34-50 indicates that local number portability information is data stored in the national database of the interexchange carriers and/or in local databases of local exchange carriers/service providers. In this regard, the cited portions of AKINPELU merely indicate that a local access provider must provide update information to a centralized service management system. That is, the cited portions of AKINPELU disclose identifying the local service provider for a caller by using a local database. As argued in the Appeal Brief and disclosed at page 3, lines 1-15 of the present application, an identification of the true identity of the local service provider of the caller may not be accurately determined unless a local database has been updated to reflect a new or actual local service provider. Insofar as AKINPELU discloses obtaining information directly from a local database, AKINPELU does

not teach or suggest using two distinct databases (i.e. a local number portability database and one of a plurality of databases) to obtain accurate information. Accordingly, AKINPELU does not teach or suggest sending a request in a second format to a local number portability database based on a telephone number of a caller, to determine which of a plurality of databases to query, the second format being distinct from the first format, as recited in claim 1.

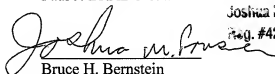
The Examiner asserts AKINPELU at column 4, lines 1-5 as teaching the claimed limitation that an interexchange carrier suspends a call, as recited in claim 1. In this regard, the cited portions of AKINPELU merely indicate that if the result of a test (i.e., local carrier switch makes a translation whether this is a local or a toll call) indicates a toll call, then the call is routed to a pre-subscribed interexchange carrier. However, the cited portions do not indicate that an interexchange carrier suspends a call, as recited in claim 1. Rather, the cited portions of AKINPELU merely indicate that a local carrier switch routes a call to an interexchange carrier. Further, BOUGHMAN is not applied as curing the deficiencies of AKINPELU.

Accordingly, in view of the herein contained arguments, Appellants respectfully request that the decision of the Examiner to reject claims 1-3, 9, 18, 21-24, 28-39, 42 and 43 set forth in the Final Official Action dated January 15, 2008, be reversed. Such action is respectfully requested and is believed to be appropriate and proper.

Should an extension of time be necessary to maintain the pendency of this application, including any extensions of time required to place the application in condition for allowance by an Examiner's Amendment, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

If there are any questions about this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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October 27, 2008
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